

Remarks & Arguments

A. Response to Detailed Action – Claim Rejections - 35 USC 101:

1. We accept Examiner's objection to the claims based upon the improper reference to non-statutory subject matter.
2. In response, we have amended all of the claims, included in this filing as **Amendments to the Claims**, to comply with 35 USC 101.

B. Response to Detailed Action – Claim Rejections - 35 USC 112:

3. We accept Examiner's objection to the claims as failing to meet the requirements of the first paragraph of 35 USC 112, the enablement requirement, as the claims contain subject matter that is not described in the specification, and the detailed description of the invention makes a non-compliant incorporation-by-reference of supporting appendix material, and therefore, claims 1-3 fail to comply with the written description requirement.
4. In response, we have, in compliance with 37 CFR 1.71 & 37 CFR 1.84, incorporated the appendix material (part A) into the specification as **Amendments to the Detailed Description of the Invention, Amendments to the Drawings, and Amendments to the Brief Description of the Drawings**, contained in this and a subsequent filing. In accordance with 37 CFR 1.21(d) and 37 CFR 1.57(f), these amendments introduce no new matter into the disclosure of the application.

5. We accept Examiner's objection to the claims as failing to meet the requirements of the second paragraph of 35 USC 112, on the basis that the improper structure of dependent claims.
6. In response, we have amended all of the claims, as included in this filing, to comply with the second paragraph of 35 USC 112.

C. Response to Detailed Action – Claim Rejections - 35 USC 102(b):

7. Examiner rejects Claim 1 as being unpatentable over US Patent No. 5,101,346 (Ohtsuki).
8. In response, we assert that Ohtsuki merely claims a virtual machine system, to include a plurality of virtual machines, which is not what we claim is novel in the present invention. The unique and non-obvious nature of the present invention is embodied in the reconfigurable node-based virtual architecture of the invention, none of which Ohtsuki teaches, and which we argue is now made apparent in the revised Detailed Description and the amended Claims included in this filing.

D. Response to Detailed Action – Claim Rejections - 35 USC 103(a):

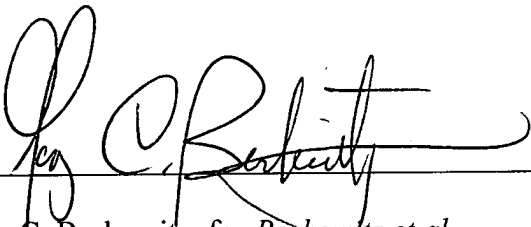
9. Examiner rejects Claim 2 as being unpatentable over US Patent No 6,269,391 (Gillespie), as rendering obvious the limitations of Claim 1 under Ohtsuki.
10. In response, we assert that Gillespie merely claims a multi-processor scheduling system for fail share scheduling of virtual machine threads, for which we do not claim novelty. The unique and non-obvious nature of the present invention is embodied in the demand-based creation of new reconfigurable node-based virtual machines, and the operations that support the creation and function of such virtual machines, none of which Gillespie

teaches, and which we argue is now made apparent in the revised Detailed Description and the amended Claims included in this filing.

In light of the above **Remarks & Arguments**, we submit the amended Claims and Specification for consideration, as properly allowing the claims to meet the enablement, written description, and distinct & definite requirements of 35 USC 112, the novelty requirements of 35 USC 102, and the non-obviousness requirements of 35 USC 103.

We thus hereby request that the Claims be allowed.

Respectfully,



Gary C. Berkowitz, for *Berkowitz et al*